



Appeal Decision

Site visit made on 11 November 2020

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020.

Appeal Ref: APP/B1930/W/20/3256301

Turners Hall Farm Barns, Annables Lane, Kinsbourne Green, Harpenden AL5 3PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hawkswick Developments Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/20/0214, dated 27 January 2020, was refused by notice dated 27 April 2020.
 - The development proposed is 'the erection of entrance gates to the new access drive to Turners Hall Farm Barns'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - Whether or not the proposal amounts to inappropriate development in the Green Belt;
 - Its effect on the openness of the Green Belt and the character and appearance of the local area;
 - Its effect on the safety of highway users; and
 - If the proposal does amount to inappropriate development, whether the harm by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

3. The proposal seeks planning permission for entrance gates flanked by tall pillars with sweeping walls reducing in height either side, along with two detached brick name plinths.
4. The proposed entrance pillars, walls and gates fall within the definition of a building provided by the Town and Country Planning Act 1990. The National Planning Policy Framework (NPPF) explains that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for a number of exceptions. The exceptions are outlined within paragraph 145 of the NPPF and they do not include the development proposed. As such, it follows that the proposal amounts to inappropriate development in the Green Belt.

Saved Policy 1 of the City and District of St Albans District Local Plan review (LP) pre-dates the NPPF, but is broadly in line within this approach. So too is policy SS1 of the adopted Harpenden Neighbourhood Plan (NP).

5. The NPPF directs that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that substantial weight should be given to any harm to the Green Belt. It also explains that the very special circumstances necessary to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Openness and character and appearance

6. The proposed entrance gates, pillars and sweeping walls would be introduced to what I understand to be the approved access which would serve a development of five dwellings resulting from the conversion of a range of agricultural buildings which are Grade II Listed. There is no suggestion that the proposal would harm the setting of the heritage asset and given the generous separation distance involved, I see no reason to disagree.
7. The metal gates would be of a traditional railing design and they would be tall and wide. They would be flanked by two tall pillars. The pillars would connect to a sweeping wall with flint panels which would reduce in height outwards. I appreciate that the gates, pillars and walls would be set back from the highway behind the roadside ditch. Nevertheless, this entrance feature would be rather grand and visually dominant within an otherwise long section of undisturbed hedgerow.
8. To my mind, the development proposed would have an urbanising effect which would be out of keeping with the predominantly rural character of this highway. In this respect, it would be contrary to policy 69 of the LP and ESD1 and ESD2 2 of the NP, which promote high quality design which is appropriate to its context. As a result, I consider that the visual effect would also harm the openness of the Green Belt, albeit to a limited degree.

Safety of highway users

9. The Council asserts that the sweeping wall and the detached brick name plinth would be built on highway land and that this '*would not normally be approved*' whilst the name plinth would be within the required splay itself. However, the plinth would only be 525mm high from ground level. On this basis, I am satisfied that the proposal would not impede visibility from the new access. To this end, I find no conflict with saved policy 34 of the LP.

Other considerations

10. The Appellant Company argues that the proposed gate, pillars and wall would provide a definitive entrance serving the new dwellings and a landmark which otherwise would be missed by motorists travelling along a highway where vehicles speeds are fast. The Appellant Company also suggests that the development would provide security for future residents. Neither argument is disputed, but no evidence has been advanced to persuade me that a more suitably designed scheme could not offer similar benefits.

11. The Appellant Company refers to other similar gated entrances within the local area including those at Whitewall, Annables House, Moat House and Bramble Cottage. However, I do not know the precise planning circumstances behind the examples highlighted. In any event, I have considered the appeal proposal on its merits and against its particular setting, taking into account the most up to date and relevant national and local planning policies.

Overall Conclusions

12. I conclude that although the proposal would not result in undue risk to highway users, it amounts to inappropriate development in the Green Belt which would harm the openness of the Green Belt and the rural character of the immediate surroundings, contrary to the policies referred to above.
13. The arguments advanced by the Appellant Company in favour of the proposal do not clearly outweigh the identified harm to the Green Belt and the character and appearance of the local area therefore the very special circumstances necessary to justify the development do not exist.
14. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR